

MESSAGE NO: 4052303 MESSAGE DATE: 02/21/2014

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 6227112, 7136208, 9014202
MESSAGE #
(s):
CASE #(s): A-475-818

EFFECTIVE DATE: 08/06/2011 COURT CASE #: 09-00001

PERIOD OF REVIEW: 07/01/2006 TO 06/30/2007

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for certain pasta from Italy produced and/or exported by Pasta Zara SpA for the period 07/01/2006 through 06/30/2007 (A-475-818)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 06/06/2011, The U.S. Court of International Trade (CIT) issued a final decision in the case of Pasta Zara SpA v. United States, Court No. 09-00001. As a result of this decision, the injunction to which message 9014202 refers enjoining liquidation of entries which are subject to the antidumping duty order on certain pasta from Italy for period 07/01/2006 through 6/30/2007 produced and exported by Pasta Zara SpA dissolved on 08/06/2011.

2. Liquidation instructions for entries of merchandise produced and exported by Pasta Zara SpA, imported by Zara USA, entered, or withdrawn from warehouse, for consumption during the period 07/01/2006 through 06/30/2007, and entered under case number A-475-818-049 were issued in message 9014202, dated 08/15/2011.

3. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of certain pasta from Italy produced and/or exported by Pasta Zara SpA, entered, or withdrawn from warehouse, for consumption during the period 07/01/2006 through 06/30/2007, entered under case number A-475-818-049, and not covered by message 9014202, dated 8/15/2011, assess antidumping duties at the all-others rate in effect on the date of entry. From 07/01/2006 through 04/22/2007, the all-others rate in effect for certain pasta from Italy was 11.26 percent. See message 6227112, dated 08/14/1996. From 04/23/2007 through 06/30/2007, the all-others rate in effect for certain pasta from Italy was 15.45 percent. See message 7136208, dated 05/17/2007.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of certain pasta from Italy you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. There are no injunctions applicable to the entries covered by this instruction.
6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.
7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duty and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.
8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O#3: SM)
9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party